

Vessels, N67-12097 (NASA CR-72124) (May 1966), or its equivalent.

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S7.2.2 Each Type 2, Type 3, or Type 4 CNG fuel container shall not leak when subjected to burst pressure and tested in accordance with S8.2. Burst pressure shall be no less than the value necessary to meet the stress ratio requirements of Table 3, when analyzed in accordance with the requirements of S5.5.1.

TABLE THREE.—STRESS RATIOS

Material	Type 2	Type 3	Type 4
E-Glass	2.65	3.5	3.5
S-Glass	2.65	3.5	3.5
Aramid	2.25	3.0	3.0
Carbon	2.25	2.25	2.25

* * * * *

S7.4. *Labeling.* Each CNG fuel container shall be permanently labeled with the information specified in paragraphs (a) through (d). Any label affixed to the container in compliance with this section shall remain in place and be legible for the manufacturer's recommended life of the container. The information specified in paragraphs (a) through (d) of this section shall be in English and in letters and numbers that are at least 6.35 mm (0.25 inch).

(a) The statement: "If there is a question about the proper use, installation, or maintenance of this container, contact _____," inserting the *CNG fuel container manufacturer's name, address, and telephone number.*

(b) The statement: "Manufactured in _____," inserting the month and year of manufacture of the CNG fuel container.

(c) Service Pressure _____ kPa (_____ psig).

(d) The symbol DOT, constituting a certification by the CNG container manufacturer that the container complies with all requirements of this standard.

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S8.1.3 The cycling rate for S8.1.1 and S8.1.2 shall be any value up to and including 10 cycles per minute.

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S8.2.2 The pressurization rate throughout the test shall be any value up to and including 1,379 kPa (200 psi) per second.

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S8.3.10 The average wind velocity at the container is any velocity up to and including 2.24 meters/second (5 mph).

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Issued on July 18, 1995.

Ricardo Martinez,

Administrator.

[FR Doc. 95-18109 Filed 7-19-95; 2:09 pm]

BILLING CODE 4910-59-P

49 CFR Part 571

[Docket No. 85-06; Notice 9]

RIN 2127-AF82

Federal Motor Vehicle Safety Standards, Passenger Car Brake Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule; Response to petitions for reconsideration.

SUMMARY: In February 1995, NHTSA published a new Federal Motor Vehicle Safety Standard No. 135, *Passenger Car Brake Systems*, which replaces the existing Standard No. 105, *Hydraulic Brake Systems*, as it applies to passenger cars. The agency's action was part of its efforts to harmonize its standards with international standards. The agency received three petitions for reconsideration, each of which supported the new standard, but recommended one or more changes. This document provides NHTSA's response to those petitions. As part of its response, the agency is making several minor changes in the standard's test conditions. NHTSA is also making a number of correcting amendments to the new standard.

DATES: *Effective date.* The amendments made by this rule are effective August 23, 1995.

Petitions for reconsideration. Petitions for reconsideration must be received not later than August 23, 1995.

ADDRESSES: Petitions for reconsideration should be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Ms. Terri Droneburg, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Room 5307, Washington, DC 20590. Phone: (202) 366-6617. Fax: (202) 366-4329.

SUPPLEMENTARY INFORMATION: On February 2, 1995, NHTSA published in the **Federal Register** (60 FR 6411) a final rule establishing Federal Motor Vehicle Safety Standard No. 135, *Passenger Car Brake Systems*. That standard will replace Standard No. 105, *Hydraulic Brake Systems*, as it applies to passenger cars.

NHTSA received petitions for reconsideration from General Motors (GM), the Japan Automobile Manufacturers Association (JAMA), and Mercedes-Benz. Each of the petitioners supported the establishment of the new standard, but identified one or more areas where they recommended changes. The issues raised by the petitioners are addressed below.

GM first identified several technical corrections to make in the text of Standard No. 135. NHTSA concurs with these corrections and has also identified several other corrections that need to be made. In this document, the agency is making those corrections.

GM next identified one substantive area of concern, involving the pedal force constraints for the hot and recovery performance tests (S7.14.3(c) and S7.16.3(c)). GM stated that NHTSA had explained in the final rule that Standard No. 135 is intended to ensure that faded brakes are capable of achieving both a minimum level of performance relative to cold effectiveness (i.e., at least 60 percent of cold effectiveness deceleration) and a minimum absolute level of performance (i.e., stopping distance less than or equal to 89 meters, from a speed of 100 km/h (62.1 mph)).

GM stated that, to make the relative performance a true comparison, it is necessary to constrain the hot stop pedal force to that which was used during the cold effectiveness stop. GM stated also that only by having similar pedal force profiles between the hot and cold stops is it possible to effectively compare hot and cold brake performance. That company cited the agency's statement in the final rule preamble that, "(i)n order for that comparison to be meaningful, the test conditions for the two tests should be as close to identical as possible."

GM argued, however, that the language adopted in the final rule does not facilitate test conditions for the cold and hot stops that are as close to identical as possible. GM said that the language instead precludes a legitimate comparison between hot and cold performance by forcing a significantly different pedal force on the hot stop. GM stated that a typical pedal force profile used during cold effectiveness testing shows an initial spike, followed by a lower, level force. That company stated that because the language of the final rule limits the peak hot stop pedal force to the *average* cold effectiveness pedal force, it precludes the use of an initial spike for the comparison hot stop. GM stated that this shortcoming can be easily corrected by amending the regulatory language to state that the

average hot stop pedal force cannot exceed the average cold effectiveness pedal force. GM also stated that the same analysis applies to the pedal force constraint for recovery performance.

NHTSA has evaluated GM's arguments and agrees that the suggested changes would make the test conditions for the cold, hot, and recovery stops more similar and thereby make the results more comparable. The agency is therefore adopting those suggested amendments.

GM also identified three areas for potential future rulemaking concerning Standard No. 135. First, that company stated that, even if the agency adopts its recommended changes concerning pedal force, two minor flaws will remain with the thermal test protocols. GM stated:

First, a considerable amount of testing is performed between the cold effectiveness test (which serves as the baseline for thermal performance) and the thermal tests. These intervening tests can introduce distortions to the hot versus cold comparisons by virtue of brake and tire conditioning, changing environmental conditions, etc. Second, the pedal force spike input during the cold effectiveness test may be difficult to precisely replicate in the subsequent thermal tests. These two flaws could be corrected by adopting constant pedal force cold stops at the onset of the thermal test sequence to be used as the baseline comparison stops. The preamble to Notice 8 implies that the agency will not take action in this area until U.S. and European manufacturers come forward with a recommendation. GM requests that the agency initiate this process with either a Request for Comments or Advance Notice of Proposed Rulemaking.

While NHTSA has considered this request of GM, the agency does not believe that further rulemaking on this particular issue is warranted at this time. The agency notes that different manufacturers have significantly different views on this issue and that while GM believes it is an area where Standard No. 135 could be improved, that company has not provided information demonstrating that the current procedure creates any significant problems, e.g., compliance difficulties, effect on safety, etc. The agency also believes that the issue is only relevant for vehicles that do not have ABS. Since it is expected that nearly all passenger cars will soon have ABS, the issue will essentially become moot.

GM also noted that NHTSA is conducting rulemaking to amend Standards No. 105 and 135 to ensure their appropriateness for electric vehicles and electric brakes, and urged the agency to move as quickly as possible in this area. NHTSA notes that

it is in the process of completing a new notice on that subject and expects to issue it shortly.

GM also recommended that the agency initiate rulemaking to extend Standard No. 135 to all hydraulically braked vehicles. The agency notes that it plans to conduct rulemaking to extend the standard to all vehicles with a GVWR of 10,000 pounds or less.

JAMA petitioned NHTSA to change the temperature range specified for initial brake temperature for the cold brake effectiveness test. While the final rule specifies a range of 50 °C to 100 °C, that petitioner recommended a range of 65 °C to 100 °C.

JAMA noted that its recommended range is similar to that specified in Standard No. 105. That organization argued that the wider range would impose increased cost burdens since vehicles must meet the requirements at all points within the range.

Upon reconsideration, NHTSA agrees that the lower limit of the initial brake temperature should be changed to 65 °C. This limit is nearly identical to that specified in Standard No. 105. Moreover, while some drafts of Regulation 13-H (the proposed harmonized regulation developed by the United Nations Economic Commission for Europe) included the 50 °C value, it was changed to 65 ° in 1991. Since the 65 ° value is consistent with both Standard No. 105 and the most recent draft of Regulation 13-H, and since it results in decreased variability in test results, NHTSA believes that this change recommended by JAMA should be made.

JAMA also recommended that the agency amend the definition of "initial brake temperature" to read "* * * on the hottest brake," rather than "* * * on the hottest axle." That organization stated that this change would eliminate a lack of international harmonization without any detriment to motor vehicle safety.

The agency has decided not to accept this recommendation of JAMA. NHTSA believes the initial brake temperature should be based on the hottest axle rather than the hottest brake, to ensure that one brake does not cause an unrealistically high value for the initial brake temperature.

Mercedes petitioned the agency to change Standard No. 135's requirements concerning indication of brake wear status. That company noted that the standard specifies that, if a separate indicator is used to indicate brake lining wear, the words "Brake Wear" must be used. Mercedes requested that the agency permit the use of the international symbol for brake wear.

This symbol consists of a circle, with a dotted curved line on each side of the circle. That company argued that there are no data indicating a safety need for words versus an international symbol. Mercedes also stated that, when marketing a car in nearly 200 countries, it is highly impractical to use native language text.

NHTSA notes that Mercedes stated that it and other manufacturers can meet the requirements in this area by another alternative permitted by Standard No. 135, i.e., providing a means of visually inspecting brake pad thickness with the wheels removed. That company asserted that, as a result of complying with this alternative, "(a)n in-dash brake wear warning lamp with an international symbol, not Standard 135 words, can be voluntarily provided, and is, therefore not prohibited by Standard 135." In support of its position, Mercedes stated that "NHTSA's Chief Counsel has reiterated in numerous interpretations that, unless specifically prohibited, manufacturers may voluntarily provide more features or information than required by a Safety Standard." The petitioner stated, however, that even with such options available, it believes it is important that the final rule be amended to permit the international symbol. Among other things, Mercedes stated that future electric and hybrid cars may not be able to meet the relevant requirements of Standard No. 135 by providing a means of wheel removal and inspection, due to weight reduction and other critical design conflicts.

NHTSA has carefully considered Mercedes' request. For reasons discussed below, the agency has decided not to make the requested change at this time. However, the agency will consider that petitioner's request in a separate rulemaking proceeding which will more broadly address the use of symbols for brake system indicators.

The agency will begin its response to Mercedes by addressing that company's belief that, so long as a manufacturer provides a means of visually inspecting brake pad thickness with the wheels removed (in accordance with the alternative specified in S5.1.2(b) of Standard No. 135), it can voluntarily provide an in-dash brake wear warning lamp with an international symbol instead of the words specified by that standard. The agency concurs with this result, based on a reading of S5.1.2, S5.5.1, and S5.5.5 of Standard No. 135, as well as Standard No. 101.

Of particular significance, Standard No. 135's requirement to use specified

words for a brake wear indicator lamp (S5.5.5(d)(5)) is expressed as follows:

If a separate indicator is provided to indicate brake lining wear-out as specified in S5.5.1(d), the words "Brake Wear" shall be used.

S5.5.1(d), which specifies one of the conditions for which a brake indicator must be activated, reads as follows:

Brake lining wear-out, if the manufacturer has elected to use an electrical device to provide an optical warning to meet the requirements of S5.1.2(a).

Since S5.5.5(d)(5)'s wording requirement applies to a separate indicator provided to indicate brake lining wear-out "as specified in S5.5.1(d)," and since S5.5.1(d) only applies where a manufacturer has "elected" to use an electrical device to meet the standard's brake wear status requirement, it is NHTSA's interpretation that the wording requirement does not apply where a manufacturer has elected options other than an electrical device to provide an optical warning. Therefore, the agency concurs with the result suggested by Mercedes, although not necessarily with the petitioner's stated rationale.

NHTSA notes that Mercedes is correct that, unless specifically prohibited, manufacturers may voluntarily provide more features or information than required by a safety standard. The agency cautions, however, that this principle, by itself, does not necessarily mean that voluntarily provided safety features are not subject to particular requirements set forth in a safety standard. Such a result could be highly dependent on a specific factual situation and on the specific wording of a safety standard. If a manufacturer has a question about how a safety standard applies in a specific situation, it may, of course, request an interpretation from NHTSA's Chief Counsel.

NHTSA will now address Mercedes' request that Standard No. 135 be amended to permit use of the international symbol for worn brake linings instead of the words "brake wear." The agency notes that Standard No. 135 specifies the use of words for several brake indicator functions, and that the international symbol for worn brake linings is part of a family of related symbols which address a number of brake functions. Therefore, Mercedes' request is part of a broader issue of whether Standard No. 135 should permit the use of symbols instead of words for the various brake indicator functions.

In the preamble to the February 1995 final rule, NHTSA stated:

Notice 5 and this final rule (Section S5.5.5(a)) allow the use of ISO symbols in addition to the required labeling for the purpose of clarity. However, the agency has decided not to allow the ISO symbol alone to be used as a substitute for the required words. NHTSA believes that the ISO symbol can be ambiguous to some drivers since the ISO symbol, is not universally understood to represent brakes. The agency notes that the commenters did not provide any data showing that the ISO brake failure warning indicator is clearly understood by drivers in countries in which it is currently in use. Moreover, the meaning of the symbol is not readily apparent from its appearance, in contrast to some symbols, such as the one for horns, whose meaning is understandable on its face. 60 FR 6414, February 2, 1995.

NHTSA has decided to conduct a separate proceeding in which it will reconsider permitting the use of symbols for brake system indicators. The agency believes that, before making any change in this area, specific comment should be sought on each of the symbols in question and on what steps can be taken to ensure that drivers would learn the meaning of the symbols.

NHTSA is granting the petitions to the extent discussed above; the agency is otherwise denying the petitions.

The agency is making the amendments effective 30 days after publication of the final rule. NHTSA finds good cause for such an effective date. The amendments do not impose any new requirements or make existing requirements more stringent. The amendments instead either make corrections in the new standard or very minor changes in the test conditions specified by the standard.

Rulemaking Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

This notice was not reviewed under Executive Order 12866. NHTSA has examined the impact of this rulemaking action and determined that it is not "significant" within the meaning of the Department of Transportation's regulatory policies and procedures. NHTSA has further determined that the effects of this rulemaking are so minimal that preparation of a full regulatory evaluation is not warranted. The effects of today's rule are minimal because the rule makes only very minor changes in the test conditions specified by Standard No. 135. The rule will not have any quantifiable impact on testing costs or vehicle costs. The agency's detailed analysis of the economic effects of Standard No. 135, set forth in the Final Regulatory Evaluation prepared to accompany the February 1995 final rule

establishing that standard, remains valid.

Regulatory Flexibility Act

NHTSA has also considered the impacts of this final rule under the Regulatory Flexibility Act. I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. As explained above, today's final rule makes only very minor changes in the test conditions specified by Standard No. 135, and will not have any quantifiable impact on testing costs or vehicle costs. For these reasons, neither manufacturers of passenger cars, nor small businesses, small organizations or small governmental units which purchase motor vehicles, will be significantly affected by the rule. Accordingly, no regulatory flexibility analysis has been prepared.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (P.L. 96-511), NHTSA notes that there are no requirements for information collection associated with this final rule.

National Environmental Policy Act

NHTSA has also analyzed this final rule under the National Environmental Policy Act and determined that it will not have a significant impact on the human environment.

Executive Order 12612 (Federalism)

Finally, NHTSA has analyzed this rule in accordance with the principles and criteria contained in E.O. 12612, and has determined that this rule will not have significant federalism implications to warrant the preparation of a Federalism Assessment.

Civil Justice Reform

This final rule does not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the State requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, 49 CFR Part 571 is amended as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for Part 571 of Title 49 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.50.

2. Section 571.135 is amended by revising S6.1.1, S6.5.3.3, S7, S7.1, S7.1.3(a), heading of S7.2.3, S7.2.3(a), S7.2.3(c)(3), S7.2.4(d), S7.4.3(a), S7.4.3(e), S7.4.4(b), introductory text of S7.4.4(h), S7.4.5, S7.5.2(a), S7.5.2(c), S7.5.3(a), S7.5.3(b), S7.6.2(a), S7.6.2(c), S7.6.3, S7.7.3(a), S7.7.3(c), S7.8.2(a), S7.9.2(a), introductory text of S7.9.3, S7.10.1, S7.10.3(a), S7.10.3(c), S7.10.3(f), introductory text of S7.10.4, S7.11, S7.11.3(a), S7.11.3(h), S7.12, S7.12.2(d), S7.13.3(a)(1), S7.13.3(d)(1), introductory text of S7.14.3(c), S7.14.3(c)(1), S7.14.3(i), S7.15.3(d), S7.16.3(c), and redesignating S6.5.4.3 as S6.5.4.1 and republishing it, to read as follows:

§ 571.135 Standard No. 135; Passenger car brake systems.

* * * * *

S6.1.1. *Ambient temperature.* The ambient temperature is any temperature between 0 °C (32 °F) and 40 °C (104 °F).

* * * * *

S6.5.3.3. In the stopping distance formulas given for each applicable test (such as $S \leq 0.10V + 0.0060V^2$), S is the maximum stopping distance in meters, and V is the test speed in km/h.

* * * * *

S6.5.4.1. The vehicle is aligned in the center of the lane at the start of each brake application. Steering corrections are permitted during each stop.

* * * * *

S7. *Road test procedures and performance requirements.* Each vehicle shall meet all the applicable requirements of this section, when tested according to the conditions and procedures set forth below and in S6, in the sequence specified in Table 1:

TABLE 1.—ROAD TEST SEQUENCE

Testing order	Section No.
Vehicle loaded to GVWR:	
1 Burnish	S7.1
2 Wheel lock sequence	S7.2

TABLE 1.—ROAD TEST SEQUENCE—Continued

Testing order	Section No.
Vehicle loaded to LLVW:	
3 Wheel lock sequence	S7.2
4 ABS performance	S7.3
5 Torque wheel	S7.4
Vehicle loaded to GVWR:	
6 Torque wheel	S7.4
7 Cold effectiveness	S7.5
8 High speed effectiveness	S7.6
9 Stops with engine off	S7.7
Vehicle loaded to LLVW:	
10 Cold effectiveness	S7.5
11 High speed effectiveness	S7.6
12 Failed antilock	S7.8
13 Failed proportioning valve	S7.9
14 Hydraulic circuit failure	S7.10
Vehicle loaded to GVWR:	
15 Hydraulic circuit failure	S7.10
16 Failed antilock	S7.8
17 Failed proportioning valve	S7.9
18 Power brake unit failure	S7.11
19 Parking brake	S7.12
20 Heating Snubs	S7.13
21 Hot Performance	S7.14
22 Brake cooling	S7.15
23 Recovery Performance	S7.16
24 Final Inspection	S7.17

S7.1. Burnish.

* * * * *

S7.1.3. * * *

(a) IBT: ≤ 100 °C (212 °F).

* * * * *

S7.2.3. Test Conditions and Procedures.

(a) IBT: ≥ 65 °C (149 °F), ≤ 100 °C (212 °F).

* * * * *

(c) * * *

(3) The pedal is released when the second axle locks, or when the pedal force reaches 1kN (225 lbs), or 0.1 seconds after first axle lockup, whichever occurs first.

* * * * *

S7.2.4. * * *

(d) If any one of the three valid runs on any surface results in neither axle locking (i.e., only one or no wheels locked on each axle) before a pedal force of 1kN (225 lbs) is reached, the vehicle shall be tested to the torque wheel procedure.

* * * * *

S7.4.3. * * *

(a) IBT: ≥ 65 °C (149 °F), ≤ 100 °C (212 °F).

* * * * *

(e) Number of runs: With the vehicle at LLVW, run five stops from a speed of 100 km/h (62.1 mph) and five stops from a speed of 50 km/h (31.1 mph), while alternating between the two test speeds after each stop. With the vehicle at GVWR, repeat the five stops at each

test speed while alternating between the two test speeds.

* * * * *

S7.4.4. * * *

(b) For each brake application under S7.4.3 determine the slope (brake factor) and pressure axis intercept (brake hold-off pressure) of the linear least squares equation best describing the measured torque output at each braked wheel as a function of measured line pressure applied at the same wheel. Only torque output values obtained from data collected when the vehicle deceleration is within the range of 0.15g to 0.80g are used in the regression analysis.

* * * * *

(h) Plot f_1 and f_2 obtained in (g) as a function of z, for both GVWR and LLVW load conditions. These are the adhesion utilization curves for the vehicle, which are compared to the performance requirements in S7.4.5. shown graphically in Figure 2:

* * * * *

S7.4.5. *Performance requirements.* For all braking ratios between 0.15 and 0.80, each adhesion utilization curve for a rear axle shall be situated below a line defined by $z=0.9k$ where z is the braking ratio and k is the PFC.

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S7.5.2. * * *

(a) IBT: ≥ 65 °C (149 °F), ≥ 100 °C (212 °F).

* * * * *

(c) Pedal force: ≥ 65 N (14.6 lbs), ≥ 500 N (112.4 lbs).

* * * * *

S7.5.3. * * *

(a) Stopping distance for 100 km/h test speed: ≥ 70 m (230 ft).

(b) Stopping distance for reduced test speed: $S \geq 0.10V + 0.0060V^2$.

* * * * *

S7.6.2. * * *

(a) IBT: ≥ 65 °C (149 °F), ≥ 100 °C (212 °F).

* * * * *

(c) Pedal force: ≥ 65 N (14.6 lbs), ≥ 500 N (112.4 lbs).

* * * * *

S7.6.3. Performance requirements.

Stopping distance:

$S \geq 0.10V + 0.0067V^2$.

* * * * *

S7.7.3. * * *

(a) IBT: ≥ 65 °C (149 °F), ≥ 100 °C (212 °F).

* * * * *

(c) Pedal force: ≥ 65 N (14.6 lbs), ≥ 500 N (112.4 lbs).

* * * * *

S7.8.2. * * *

(a) IBT: ≥ 65 °C (149 °F), ≥ 100 °C (212 °F).

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S7.9.2. * * *

(a) IBT: $\geq 65^{\circ}\text{C}$ (149°F), $\geq 100^{\circ}\text{C}$ (212°F).

* * * * *

S7.9.3. Performance requirements.

The service brakes on a vehicle equipped with one or more variable brake proportioning systems, in the event of any single functional failure in any such system, shall continue to operate and shall stop the vehicle as specified in S7.9.3(a) or S7.9.3(b).

* * * * *

S7.10.1. General information. This test is for vehicles manufactured with or without a split service brake system.

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S7.10.3. * * *

(a) IBT: $\geq 65^{\circ}\text{C}$ (149°F), $\geq 100^{\circ}\text{C}$ (212°F).

* * * * *

(c) Pedal force: $\geq 65\text{N}$ (14.6 lbs), $\geq 500\text{N}$ (112.4 lbs).

* * * * *

(f) Alter the service brake system to produce any one rupture or leakage type of failure other than a structural failure of a housing that is common to two or more subsystems.

* * * * *

S7.10.4. Performance requirements.

For vehicles manufactured with a split service brake system, in the event of any rupture or leakage type of failure in a single subsystem, other than a structural failure of a housing that is common to two or more subsystems, and after activation of the brake system indicator as specified in S5.5.1, the remaining portions of the service brake system shall continue to operate and shall stop the vehicle as specified in S7.10.4(a) or S7.10.4(b). For vehicles not manufactured with a split service brake system, in the event of any one rupture or leakage type of failure in any component of the service brake system and after activation of the brake system indicator as specified in S5.5.1, the vehicle shall by operation of the service brake control stop 10 times consecutively as specified in S7.10.4(a) or S7.10.4(b). Each of the 10 stops shall meet the applicable stopping distance requirement.

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S7.11. Brake power unit or brake power assist unit inoperative (System depleted).

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S7.11.3. * * *

(a) IBT: $\geq 65^{\circ}\text{C}$ (149°F), $\leq 100^{\circ}\text{C}$ (212°F).

* * * * *

(h) If the brake power unit or power assist unit operates in conjunction with a backup system and the backup system

is automatically activated in the event of a primary power service failure, the backup system is operative during this test.

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S7.12. Parking brake.

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S7.12.2. * * *

(d) Parking brake applications: 1 application and up to 2 reapplications, if necessary.

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S7.13.3. * * *

(a) * * *

(1) Establish an IBT before the first brake application (snub) of $\geq 55^{\circ}\text{C}$ (131°F), $\leq 65^{\circ}\text{C}$ (149°F).

* * * * *

(d) * * *

(1) Maintain a constant deceleration rate of 3.0 m/s^2 (9.8 fps^2).

* * * * *

S7.14.3. * * *

(c) Pedal force:

(1) The first stop is done with an average pedal force not greater than the average pedal force recorded during the shortest GVWR cold effectiveness stop.

* * * * *

(i) Immediately after completion of the second hot performance stop, drive 1.5 km (0.93 mi) at 50 km/h (31.1 mph) before the first cooling stop.

* * * * *

S7.15.3. * * *

(d) Deceleration rate: Maintain a constant deceleration rate of 3.0 m/s^2 (9.8 fps^2).

* * * * *

S7.16.3. * * *

(c) Pedal force: The average pedal force shall not be greater than the average pedal force recorded during the shortest GVWR cold effectiveness stop.

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Issued on July 18, 1995.

Ricardo Martinez,

Administrator.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 950710176-5176-01; I.D. 061295A]

RIN 0648-AE50

Foreign Fishing Regulations; Approval of Preliminary Management Plan (PMP) for Atlantic Herring and Modification of Subpart C of the Foreign Fishing Regulations

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Interim final rule.

SUMMARY: NMFS announces the approval of the PMP for Atlantic herring and issues this interim final rule to modify the foreign fishing regulations pertaining to the Northwest Atlantic Ocean fishery. In accordance with the PMP, Atlantic herring is removed from the list of species prohibited for possession by foreign vessels and is added to the allocated species list for the exclusive economic zone (EEZ). This rule also removes the foreign fishing regulations pertaining to Atlantic hakes. The PMP sets the initial specifications for Atlantic herring and this rule provides a mechanism for modifying the initial specifications for that species. This rule also removes silver hake and red hake from the allocated species list and adds them, along with several other multispecies finfish, to the prohibited species list. The intended effect of this rule is to encourage the U.S. harvest of an underutilized segment of the stock of Atlantic herring by allowing the issuance of permits to foreign vessels to receive herring from U.S. vessels.

DATES: Effective July 21, 1995. Public comments are invited through August 23, 1995 and should be sent to Dr. Andrew A. Rosenberg, (see ADDRESSES below).

ADDRESSES: Copies of the PMP/Environmental Assessment supporting this action may be obtained from Dr. Andrew A. Rosenberg, Regional Director, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930.

FOR FURTHER INFORMATION CONTACT: E. Martin Jaffe, NMFS, Fishery Policy Analyst, 508-281-9272.

SUPPLEMENTARY INFORMATION: The U.S. Atlantic coastal herring resource has grown rapidly from less than 100,000 metric tons (mt) (220 million lb (m lb))